

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JORGE ALEJANDRO VASQUEZ,

Petitioner,

v.

UNKNOWN,

Respondent.

No. 2:24-cv-2818-TLN-SCR

ORDER

Petitioner Jorge Alejandro Vasquez (“Petitioner”), a state prisoner proceeding without counsel, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 25, 2024, the magistrate judge filed findings and recommendations herein which were served on Petitioner and which contained notice to Petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner filed objections to the findings and recommendations.

In Petitioner’s objections, he indicates that the California Court of Appeal has denied his pending appeal. (ECF No. 7.) An online search of the California Appellate Courts Case Information database reveals that petitioner filed an application for writ of habeas corpus in the California Supreme Court on November 7, 2024. *See* California Supreme Court Docket,

1 <https://rb.gy/1kle07>, last visited 2/10/25. This state habeas petition remains pending rendering his
2 state court remedies unexhausted. *See O'Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999)
3 (explaining that exhaustion requires the completion of "one complete round" of state court
4 review). Therefore, the magistrate judge's conclusion is correct even considering this additional
5 information.

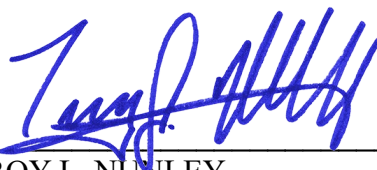
6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
7 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
8 Court finds the findings and recommendations to be supported by the record and by proper
9 analysis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations (ECF No. 5) are adopted in full.
- 12 2. Petitioner's application for a writ of habeas corpus is summarily dismissed without
13 prejudice for failing to exhaust state court remedies.
- 14 3. The court declines to issue the certificate of appealability referenced in 28 U.S.C.
15 § 2253.

16 IT IS SO ORDERED.

17 Date: February 20, 2025

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22 TROY L. NUNLEY
23 CHIEF UNITED STATES DISTRICT JUDGE
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